

Application No.: 10/533,187
Filing Date: April 3, 2006

REMARKS

Prior to entry of this amendment, Claims 1-20 were pending. By this paper, Claim 20 has been amended. Thus, Claims 1-20 are pending and are presented for consideration.

Claim Objections

The Office Action dated December 26, 2008 (hereinafter "Office Action") objected to Claim 20 for informalities. By this paper, Claim 20 is amended to replace the period (.) on line 7 with a semicolon (;). Accordingly, Applicant submits that this objection has been overcome and respectfully requests removal of this objection.

Claim Rejections Under 35 U.S.C. § 102(b)

The Office Action rejected independent Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Luciano. However, Luciano does not teach or suggest all of the features of Claim 1. Luciano discloses that "[t]he spinning reel game may provide an outcome that activates the upper spinning wheel game, and the outcomes in the spinning wheel game can alter the outcome of the lower spinning reel game ..." Luciano, abstract. Also, at col. 2 lines 54 to 63, Luciano explains the following:

The present invention apparatus includes at least two games of chance, and the first game of chance provides a first game outcome, including the possibility to activate the second [sic] of chance upon the occurrence of one or more predetermined outcomes in the first game of chance. Upon such activation of the second game of chance, the second game of chance can provide a second game outcome that can influence or alter the first game outcome (i.e. the pre-existing first game outcome or subsequent first game outcomes).

Therefore, Luciano appears to disclose that there is a two-way interdependency between the outcomes of the first game and the second game, where the outcome of the first game can influence the outcome of the second game and the outcome of the second game can influence the outcome of the first game.

In contrast to Luciano, Claim 1 recites, in part, the following:

A gaming machine operable to play a base game and a second game . . . said base game and said second game arranged to be played such that *selected ones of outcomes of said second game affect play of said base game, whilst the outcome of said second game is independent of the outcome of said base game.*

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Thus, Claim 1 recites a one-way dependency of the outcomes of the games in which the outcome of the base game is affected by the outcome of the second game but the outcome of the second game is not dependent upon the outcome of the base game. Since Luciano appears to teach a two-way interdependency between the outcomes of the games, Luciano does not teach or suggest all of the features of Claim 1 and furthermore appears to teach away from Claim 1. Therefore, for at least this reason Luciano does not anticipate Claim 1.

Furthermore, dependent Claims 2-19 are believed to define additional patentable subject matter and be further allowable due to their respective dependency on Claim 1. Therefore, Claims 1, 3-13, 17, and 19 are believed to be in condition for allowance, and removal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected independent Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Luciano in view of Cannon (U.S. 6,652,378). However, neither Luciano or Cannon, either alone or in combination, teach or suggest all of the features of Claim 20.

Claim 20 recites, in part, the following:

A method of increasing probability of an award of a feature game, said method comprising: . . .

Providing a base game and a second game on an Electronic Gaming Machine . . .

Allowing selected ones of outcomes of said second game to affect play of said base game whilst the outcome of said second game is maintained independent of the outcome of said base game.

Therefore, Claim 20 recites a one-way dependency of the outcomes of the games in which the outcome of the second game affects play of the base game but the outcome of second game is independent of the outcome of the base game. Since Luciano appears to teach a two-way interdependency between the outcomes of the games, Luciano does not teach or suggest all of the features of Claim 20 and furthermore appears to teach away from Claim 20.

Also, Cannon fails to cure the deficiencies of Luciano. Cannon discloses that “[t]he present invention includes a gaming device configured for mutually concurrent play of a plurality of independently operable games of chance,” col. 4, lines 28-30, where “‘independently operable’ merely refers to a game architecture wherein, once a game is in play, the play proceeds to an

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outcome which, during play, is unaffected by play or an outcome of another game." Col. 7, lines 24-28. Thus, Luciano and Cannon, both alone and in combination, fail to teach or suggest all of the features of Claim 20. Therefore, Claim 20 is believed to be in condition for allowance and removal of this rejection is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

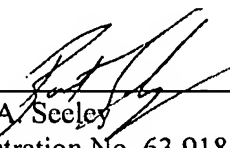
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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